IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

TUESDAY, THE 13TH MARCH 2007 / 22ND PHALGUNA 1928

WP(C).No. 8393 of 2007(Y)

OS.182/2005 of MUNI-MAGI COURT, DEVICOLAM

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PETITIONERS:

1. O.P.JOSEPH, S/O.PYLI, OLATTUPURATH, 'SISIRAM', M.S.A ROAD, MUNNAR.

2. SMT.PHILO, W/O.O.P.JOSEPH, -DO-

BY ADV. SRI.T.KRISHNAN UNNI

RESPONDENT:

JOSSY BUOY, S/O.VARKEY, "SEA GRACE", MATTUMMAL, H.NO.13/412, POURNAMI NAGAR, ALUVA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.P. Balachandran, J.

W.P.(C)No. 8393 of 2007

JUDGMENT

The petitioners are the plaintiffs in O.S.No. 182/05 on the file of the Munsiff's Court, Devikulam. It is submitted that the suit is one for permanent prohibitory injunction and interim prohibitory injunction was in force till the disposal of the suit. But, it so happened that the suit was dismissed by the trial court, vide judgment dated 8.2.2007. The grievance of the petitioners is that immediately on dismissal of the suit, the petitioners applied for a copy of the judgment and decree; that they have not obtained a copy and in the meanwhile, the respondent/defendant is trying to tamper with the scheduled property belonging to the petitioners and destroy the boundary walls, the gate and the ornamental lights fitted along the entrance of the property, taking advantage of the dismissal of the suit. The

petitioners pray for status quo being maintained till appeal is filed and appropriate orders obtained. It is also submitted that carbon copy of the judgment has already been applied for.

2. In the result, I direct the Munsiff, Devikulam to cause carbon copy of judgment, if any applied for, being issued within one week from the date of receipt of a copy of this judgment. In the meanwhile, the parties are directed to maintain status quo for a period of one month. The petitioners are allowed to produce a copy of this judgment before the Munsiff to enable him to comply with the above directions.

This writ petition is disposed of with the above directions.

13th March, 2007 (K.P.Balachandran, Judge)

tkv